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LETTER DATED 28 MARCH 1994 FROM THE SECRETARY-GENERAL ADDRESSED
TO THE PRESIDENT OF THE SECURITY COUNCIL

I am reporting separately to the Security Council on the activities of the United Nations Observer Mission in El Salvador (ONUSAL) in relation to the elections held on 20 March 1994. The purpose of this letter is to raise with the members of the Council continuing concerns regarding the implementation of certain aspects of the original Peace Accords signed by the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN), following negotiations held under United Nations auspices. These concerns relate to public security, including the deployment of new National Civil Police (PNC) and the phasing out of the old National Police (PN); the reintegration into society, through transfers of land and other programmes, of estranged groups including former combatants; and the constitutional reforms recommended by the Commission on the Truth.

All of these issues were discussed in the report which I submitted to the Council on 23 November 1993 (S/26790). At that time I had expressed my considerable concern that some very important elements in the Accords remained only partially implemented, when they should have been completed or well on the way to completion before the elections. My preoccupation today stems from the fact that, four months after that report, little progress has been achieved in the above-mentioned areas.

Establishing the civilian character of the police function was a fundamental tenet and objective of the entire peace agreement, coupled with the new role attributed to the Armed Forces and their reduction in size. However, there continue to be disquieting signs of reluctance to comply with these objectives. There have been developments which, if they remain uncorrected, would produce a result inconsistent with the Peace Accords. The PNC is still denied resources, there is as yet no clear accounting of the transfer to the PNC of military personnel, and there seems to be a desire to de-link the deployment of the PNC from the phasing out of the PN. ONUSAL continues to be hindered from properly carrying out its verification responsibilities in this regard. In addition, there remains concern about activities by the military intelligence bodies which are contrary to the Peace Accords.

The incorporation of members of the FMLN into the new National Academy for Public Security (ANSP), together with former members of the Armed Forces and

fresh recruits who had participated in neither structure, provides the basis for a well integrated force which, if distortions are corrected, can provide a strictly civilian public security body which can yet serve as an inspiring model. It is important that the issues relating to public security be sorted out urgently as part of the effort to ensure a framework for the respect of human rights, one of the principal goals of the peace negotiations.

The reintegration of the members of the FMLN, within a framework of full legality, into the civil, institutional and political life of the country was the ultimate objective of the peace process as set forth in the Geneva Agreement of 4 April 1990. Progress in reintegration of the FMLN into the political life of El Salvador is astonishing, as witnessed by the significant number of seats which they recently gained in the Legislative Assembly. Notwithstanding positive developments, much remains to be done in other, critical areas of reintegration. The main one is the transfer of land, through which most former combatants and supporters of the FMLN are to be reintegrated. The compromise reached when the parties accepted my proposal of 13 October 1992 raised the hope that this difficult and complex question could be put back on the way to resolution, thus easing the predicament of up to 47,500 potential beneficiaries. Efforts were set in train, despite serious obstacles, to mobilize international assistance.

In November 1993, when Under-Secretary-General Marrack Goulding visited San Salvador leading a special mission, transferring had come to a virtual standstill, and it was agreed to set a goal of transferring of land to 12,000 beneficiaries by the end of the year. Three months later, in mid-March, transfers had not yet reached 11,000, and thus remained delayed and short of that goal. It is not merely a problem of numerical objectives: at this pace, the bulk of potential beneficiaries will once again miss the planting season in May as a result of lack of access to credit. Similarly, other reintegration programmes are moving extremely slowly, and the terms of some of the programmes including those relating to lack of satisfactory credit facilities, raise concern as to their viability.

A particularly urgent matter, which I recently mentioned to the members of the Council, is that of recommendations of the Commission on the Truth requiring constitutional amendments, particularly with regard to the decentralization of powers and competence of the Supreme Court. Members of the Council will recall that the recommendations of the Commission on the Truth were accepted as binding in the Peace Accords. The urgency is due to the fact that in El Salvador constitutional amendments must be approved by a simple majority in one legislature and ratified by the following legislature by a two-thirds majority. Thus, unless the amendments are approved by 30 April 1994, date of expiry of the current legislature, they cannot enter into force before 1997. Urgent action to implement these amendments is needed in order to ensure that the long-delayed reform of the judiciary takes place.

In recent correspondence, through my Special Representative, and through my Senior Political Adviser who travelled to San Salvador last week, I have taken up these matters with President Cristiani, under whose leadership I am convinced that the remaining problems can be put on the way to a solution. I believe it is essential to have an updated agreement between the parties on a timetable for

the implementation of pending matters so that the process should suffer no further delays during the transition to the new Government. I hope that the Council can support my efforts in these areas on which action to put the process back on track is urgently required.

(Signed) Boutros BOUTROS-GHALI
